

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARY MILLER, ANN MILLER,

Plaintiffs,

ORDER

07-CV-5203 (JS) (WDW)

- against -

COUNTY OF NASSAU, NASSAU COUNTY
POLICE DEPT., RONALD SHEPIS,
JOHN HARVEY, PAMELA PINCUS,
KENNETH FITZGERALD, KATHLEEN M.
RICE, HSBC BANK, FIVE TOWN NISSAN,
NEAL BARBAGALLO, ESH DOE,
STEVE DOE, NORTH FORK BANK,
SPRINT/NEXTEL, KELLY DEVINE,
PAROLE OFFICER ANTHONY DROZ,
JOHN DOE, HSBC BANK FRAUD
INVESTIGATOR,

Defendants.

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APPEARANCES:

For Plaintiffs:

Mary Miller Mary Miller, Pro Se
 207 W. Broadway
 Inwood, NY 11096-1321

Ann Miller Ann Miller, Pro Se
 207 W. Broadway
 Inwood, NY 11096-1321

For Defendants:

County Defendants Diane C. Petillo, Esq.
 Office of the Nassau County Attorney
 One West Street
 Mineola, NY 11501

HSBC Bank Meredith Leigh Friedman, Esq.
 HSBC Bank USA, National Association
 425 Fifth Avenue, 7th Floor
 New York, NY 10018

Five Town Nissan Eugene L. Daneri, Esq.
 Ahmety, Demers & McManus
 750 Roanoke Avenue
 Riverhead, NY 11901

Neal Barbagallo, ESH Doe, Steve Doe	Michael J. DeZorett, Esq. Michael J. DeZorett, Esq. 75-24 Bell Blvd Bayside, NY 11364
North Fork Bank	Joseph C. Savino, Esq. Lazer, Aptheker, Rosella & Yedid, P.C. Melville Law Center 225 Old Country Road Melville, NY 11747
Sprint/Nextel	Manuel Yanez, Esq. McGuire Woods LLP 1345 Avenue of the Americas New York, NY 10105
Kelly Devine	Vincent Lipari, Esq. United States Attorneys Office Eastern District of New York 610 Federal Plaza, 5th Floor Central Islip, NY 11722-4454
Parole Officer Anthony Droz	Steven N. Schulman, Esq. Office of the Attorney General 120 Broadway, 24th Floor New York, NY 10271

SEYBERT, District Judge:

On December 12, 2007, pro se Plaintiffs Mary and Ann Miller commenced this action against various Defendants alleging that Plaintiffs' civil rights were violated during the investigation of Plaintiffs' relative, Daniel Miller.

Pending before the Court is a motion by Plaintiffs seeking permission to appear "via video conferencing," permission to file documents on the Electronic Case Filing System ("ECF"), and seeking to dismiss Defendant Anthony Droz ("Droz") from this

action. Because Plaintiffs voluntarily wish to dismiss Defendant Droz, and Droz consents to such dismissal, the Court GRANTS Plaintiffs' motion to dismiss Droz.

With regard to Plaintiffs' application to appear "in all pretrial hearings and conferences via video conferencing," Plaintiffs must make their application separately for each conference scheduled for this case.¹ The application must be addressed to the specific judge who has scheduled the conference. Thus, Plaintiffs' motion to appear in all conferences "via video conferencing" is DENIED without prejudice to re-filing a separate application for each individual conference scheduled in this matter.

Finally, Plaintiffs' motion for permission to file documents via ECF is GRANTED. However, the motion is granted only with respect to this case. If Plaintiffs are involved in litigation in the future, they must re-apply for permission to file documents via ECF. Further, Plaintiffs are advised that their ECF filings must comport with the Local Rules for the Eastern District of New York and this Court's Individual Motion Practices.

CONCLUSION

For the reasons stated above, Plaintiffs' motion to dismiss Defendant Anthony Droz is GRANTED, Plaintiffs' motion to

¹ Although Plaintiffs ask to appeal "via video conference," the Court presumes that Plaintiffs are referring to telephonic appearances.

appear "via video conferencing" is DENIED without prejudice, and Plaintiffs' motion for permission to file documents on ECF is GRANTED. Plaintiffs are advised that they are granted permission to file documents electronically only for the duration of this litigation, and must seek permission to utilize ECF for any future litigation.

The Clerk of the Court shall enable Plaintiffs to use their PACER account for electronic filing, and shall terminate Defendant Droz's motion to dismiss (Docket Entry # 24) as moot.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York
December 5, 2008

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SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York
December 5, 2008